

ENTERED

November 22, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

§
United States of America, §
§
Plaintiff-Respondent, § Criminal Action No.
§ 4:19-cr-00473-1
v. §
§ Civil Action No.
Julian Antonio Reyes- § 4:21-cv-03415
Guerrero, §
§
Defendant-Movant. §

ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE

Pending are Defendant-Movant Julian Antonio Reyes-Guerrero's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Crim. Document No. 40; Civ. Document No. 1) and Plaintiff-Respondent the United States of America's motion to dismiss (Crim. Document No. 50; Civ. Document No. 5). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Plaintiff-Respondent's motion to dismiss be GRANTED and that Defendant-Movant's motion under § 2255 be DENIED (Crim. Document No. 51; Civ. Document No. 6). The deadline for objections has passed, and no objections have been filed.

The Court, after having made a *de novo* determination of the parties' motions and the Memorandum and Recommendation, is of the opinion that the findings and recommendations of the Magistrate

Judge are correct and should be and hereby are accepted by the Court in their entirety. Accordingly,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the of the United States Magistrate Judge signed and filed on October 14, 2022, which is adopted in its entirety as the opinion of this Court, that Plaintiff-Respondent's motion to dismiss (Crim. Document No. 50; Civ. Document No. 5) is GRANTED and that Defendant-Movant's motion to vacate, set aside, or correct his sentence under § 2255 (Crim. Document No. 40; Civ. Document No. 1) is DENIED.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 22nd day of November,
2022.

Ewing Werlein, Jr.
United States District Judge